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10/518,175	07/15/2005	Samuel S. Tenenbaum	04224/100L543-US1	5717
27538 7590 01/29/2007 KAPLAN GILMAN GIBSON & DERNIER L.L.P. 900 ROUTE 9 NORTH WOODBIDGE, NJ 07095			EXAMINER NGUYEN, PHUOC H	
			ART UNIT 2143	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/29/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/518,175

Applicant(s)

TENEMBAUM ET AL.

Examiner

Phuoc H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on November 6, 2006. Previous office action contained claims 1-37. Applicant amended claims 18 and 21. Amendment filed on November 6, 2006 have been entered and made of record. Therefore, pending claims 1-37 are presented for further consideration and examination.

Claim Objections

2. Claim 33, which was previously objected, is now withdrawn.

Response to Arguments

3. Applicant's arguments filed November 6, 2006 have been fully considered but they are not persuasive.

The applicant argues in page 11 for claim 22 that the Flash program is well known in the art.

The examiner respectfully submits and partially agreed that the FlashTM program is well known in the art which widely used in web application. However, The FlashTM is a trademark of Macromedia[®], Inc. In the United States and other countries as clearly seen in the attached document. The FlashTM should be indicated as a trademark whenever it is used to indicate the trademark. Currently, the term "Flash program" is used without any indication of trademark as FlashTM. Thus, it is unclear whether the Flash program is a program of Macromedia or an

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arbitrary program named Flash. The examiner respectfully requests the applicant carefully reconsiders the used of term "Flash program".

The applicant argues in pages 11-12 for claims rejected under 35 U.S.C. 101 that the claims are statutory under 35 U.S.C. 101 because it is traditional and statutory subject matter and it is similar to subjected cited in patent No. 4,099,203. Thus, it should be statutory under 35 U.S.C. 101.

According to interim guideline for 35 U.S.C. 101, the subject matter cited in these claims are not statutory since the claims only disclose or cite a signal generator for generating a plurality of signals. First of all, it is improper to link the subject matter of patent No. 4,099,203 into these claims for arguing whether or not the claims are statutory because the subject matter of claims are statutory under the interim guideline for 35 U.S.C. 101. Second, the electrical signal is a non-tangible and non-functional material unless it is used in a component to enable certain function of that component. Regardless how smartly the electrical signal would be, the signal itself cannot "creates on the client computer's display of the web page" but rather the signal (e.g. assuming) enable the hardware component to display the representation of signal on the webpage. In addition, the term signal refers to either analog or digital signal, however, these claims are referred to digital/packet instruction for instructing execution in client's computer. Thus, claims are clearly directed to non-statutory subject matter.

The applicant argues generally in page 12 third and fourth paragraphs for claims 11-20, 30-33, and 37 that the primary reference by Noma fails to disclose a first signal that creates a

user's own, resident, avatar on the user's screen and a second signal that creates a visitor's avatar on the screen. These are then changed in accordance with respective signal relayed by the server from each participant.

First of all, the claims do not clearly require a separate software module is installed in the client and all the updated information is communicated or propagated to other clients through the server, but rather a multimedia output of the visitor is controlled by a signal from the server wherein the signal generated from other client. This feature is clearly, inherently, and expressively seen in Figures 1 and 4 of the primary reference by Noma. As long as the first client (e.g. 2-1) creates a function/signal (e.g. move, text, animate...) at the first client, the first client transmits or propagates that updated information to the server (e.g. 1) and the propagated the updated information to the second client (e.g. 2-2) for displaying in the second client's computer as seen in Figures 4.

The applicant argues in pages 12-13 for claims 8-10, 18-20, and 33 that the secondary reference by Liles fails to disclose the step of using separate signals to generate resident and visitor avatars.

The examiner respectfully submits that these claims do not clearly require or specify the feature of using separate signals to generate the resident and visitor avatars. Thus, the secondary reference by Liles does not need to show to disclose the feature of using separate signals to generate the resident and visitor avatars. In addition, the examiner only combines the references together to overcome the missing feature of controlling/managing the chat room in the primary

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reference. These missing features of controlling/managing the chat room are clearly addressed and seen in the secondary reference by Liles et al. and Proter.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-7, 11-17, 21, 26-28, 30-32, and 34-35 are rejected under 35 U.S.C. 102(e) as being anticipated by Noma et al. (Hereafter, Noma) U.S. Patent 6,954,902.

Re claim 1, Noma discloses in Figure 1 a method for enabling intercommunication among a plurality of users (e.g. client computers 2-1 and 2-2) accessing the same Internet web page (e.g. Internet 3), each user accessing the Internet through a respective client computer (Figure 1; col. 4 lines 31-37), the web page operating on a content server computer (e.g. www server 11), the method comprising the steps of, when a first user requests intercommunication service via a first client computer (e.g. client computer 2-1, col. 4 lines 46-49): sending from a control server (e.g. chat server 12) to the first client computer a first signal which creates on the first client computer's display of the web page a resident animated character (e.g. shared data initiate from server to client showing the behaviors of avatar 23a; col. 5 lines 48-61) which the first user controls the appearance (e.g. the avatar 23a is shrinking before vanishing, col. 7 lines 33-35), position (e.g. XY coordinates of the avatar 23a, col. 6 lines 31-33), movement (e.g.

movement of the avatar 23a, col. 6 lines 65 through col. 7 lines 4), and any multimedia output produced by the resident character (e.g. the balloons showing texts of utterances of the user on top of the avatar 23a, col. 6 lines 45-47); and sending from the control server to the first client computer a second signal which creates on the first client computer's display of the web page a visitor animated character (e.g. shared data initiate from server to client showing the behaviors of avatar 23b as shown in Figure 4a and col. 5 lines 48-61) which is entirely out of the first user's control (e.g. each of the avatar 23a and 23b is controlling by each client computer), the control server controlling at least the appearance, position, movement, and any multimedia output produced by the visitor character in accordance with a signal received by the control server from a second client computer (e.g. the appearance, position, movement, and multimedia out is depend upon the shared data is transmitted by the client computer by way of chat server, col. 12 lines 38-45; col. 6 lines 31-47; col. 7 lines 33-35; and col. 8 lines 37-61).

Re claim 2, Noma further discloses the first and second signals install first and second computer subprograms (e.g. computer-executable codes, col. 11 lines 65 through col. 12 lines 2, and col. 15 claim 19) which are executed on the first user's presentation of the web page, the first computer subprogram including a login process which initiates the resident character (e.g. Noma teaches computer-executable codes including a login process which display the icon (e.g. resident character or avatar 23) on the user display and displaying a message issued by user accessing a same page which is transmitted to the client computer, Figure 13, col. 12 lines 30-45 and col. 15 claim 19) and a client listening process which remains on the first client computer and responds to incoming signals from the control server (e.g. the process of receiving and

responding to message between avatars 23a and 23b as seem in figure 4a by way of a chat server, col. 12 lines 30-45; and col. 15 claim 19).

Re claim 3, Noma further discloses the second signal creates a plurality of visitor characters, each controlled by the control server in accordance with a signal received from a different client computer (Figure 12 disclose a plurality of a numbers of users participate in a chat through the same web page and each of these character is controlled by a different user participants, col. 7 lines 60 through col. 8 lines 3).

Re claim 4, Noma further discloses the step of operating a listening process on the control server (e.g. chat server) which is responsive to a signal received from any client computer (e.g. chat server receive a share data (e.g. signal) showing a text of a chat and a behavior of an avatar or the like from client computer 2 and transmits a text of a chat and this shared data showing the behaviors of avatars and the like to all the participants in the chat session, col. 5 lines 56-61).

Re claim 5, Noma further discloses when the received signal is indicative of a change in appearance, position, movement, or any multimedia output (e.g. behavior of an avatar or the like) produced by the character corresponding to one of the users, generating a control signal representing the change and sending the control signal to the client computers of the users other than the one user (e.g. chat server receive a share data (e.g. signal) showing a text of a chat and a behavior of an avatar or the like from client computer 2 and transmits a text of a chat and this shared data showing the behaviors of avatars and the like to all the participants in the chat session, col. 5 lines 56-61).

Re claim 6, Noma further discloses when one of the other users receives the control signal, that user's representation of the character corresponding to the one user is changed accordingly (col. 6 lines 65 through col. 7 lines 4).

Re claim 7, Noma further discloses the control server opens a new chat room when an initial user requesting intercommunication enters a web page (e.g. figure 14 show that user can initiate the chat room by entering the appropriate participant that the user want to chat with, col. 9 lines 14-25) or when all existing chat rooms corresponding to the web page are full.

Re claim 11, it is a machine claim of claim 1. Thus, claim 11 is also rejected in the same rationale as cited in the rejection of rejected claim 1.

Re claim 12, it is a machine claim of claim 2. Thus, claim 12 is also rejected in the same rationale as cited in the rejection of rejected claim 2.

Re claim 13, it is a machine claim of claim 3. Thus, claim 13 is also rejected in the same rationale as cited in the rejection of rejected claim 3.

Re claim 14, it is a machine claim of claim 4. Thus, claim 14 is also rejected in the same rationale as cited in the rejection of rejected claim 4.

Re claim 15, it is a machine claim of claim 5. Thus, claim 15 is also rejected in the same rationale as cited in the rejection of rejected claim 5.

Re claim 16, it is a machine claim of claim 6. Thus, claim 16 is also rejected in the same rationale as cited in the rejection of rejected claim 6.

Re claim 17, it is a machine claim of claim 7. Thus, claim 17 is also rejected in the same rationale as cited in the rejection of rejected claim 7.

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Re claim 21, Noma discloses a method for enabling communication between users accessing a web page on a computer network (e.g., Figure 1), each user being connected to the network through a respective client computer (e.g., client computer 2-1) using an operating system which produces multilayer window images on a computer screen (e.g., Figure 4a), the web page operating on a content server computer connected to the network, said method comprising the steps of: creating at least one transparent layer over the display of the web page on the users' computers (e.g., figure 4a, a chat layer 21 display being superposed on the HTML display layer 22 which represent as the transparent layer, col. 6 lines 36-44); introducing for each user each user an animated character object (e.g., avatar icons 23a and 23b) on the at least one transparent layer (col. 6 lines 26-35); providing code with each character permitting the corresponding user to control at least one of appearance (e.g. the avatar 23a is shrinking before vanishing, col. 7 lines 33-35), position (e.g. XY coordinates of the avatar 23a, col. 6 lines 31-33), movement (e.g. movement of the avatar 23a, col. 6 lines 65 through col. 7 lines 4), and any multimedia output produced by produced by the respective character (e.g. the balloons showing texts of utterances of the user on top of the avatar 23a, col. 6 lines 45-47, and wherein each of the control point is provided by information sharing processing program in which comprising an computer executable code configure to display icon, col. 15 claim 19); providing a control server (e.g. chat server) on the network which is in communication with the client computers and relays communications between them (e.g. chat server receive a share data showing a text of a chat and a behavior of an avatar or the like from client computer 2 and transmits a text of a chat and this shared data showing the behaviors of avatars and the like to all the participants in the chat session, col. 5 lines 56-61 and col. 12 lines 38-45); whereby a chat room for the two users is

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created over the web page (Figure 4a discloses avatar icons 23a and 23b is performing chatting message 25a and 25b over the web page, in which avatar icons 23a and 23b is representing the client computer 2-1 and client computer 2-2 of figure 1).

Re claim 26, it has the same limitation as cited in claim 3. Thus, claim 26 is also rejected in the same rationale as cited in the rejection of rejected claim 3.

Re claim 27, it has the same limitation as cited in claim 4. Thus, claim 27 is also rejected in the same rationale as cited in the rejection of rejected claim 4.

Re claim 28, it has the same limitation as cited in claim 7. Thus, claim 28 is also rejected in the same rationale as cited in the rejection of rejected claim 7.

Re claim 30, it is a machine claim of claim 3. Thus, claim 30 is also rejected in the same rationale as cited in the rejection of rejected claim 3.

Re claim 31, it is a machine claim of claim 4. Thus, claim 31 is also rejected in the same rationale as cited in the rejection of rejected claim 4.

Re claim 32, it is a machine claim of claim 7. Thus, claim 32 is also rejected in the same rationale as cited in the rejection of rejected claim 7.

Re claim 34, Noma further teaches the step of creating a storage facility in which a character may leave a message for another character (Figure 13 col. 8 lines 41-61).

Re claim 35, Noma further teaches the communications relayed by the control server include at least one of: a user's modification of the appearance or position of his character a user's movement of his character; and a user's creation of multimedia output through his character (e.g. chat server receive a share data a behavior of an avatar or the like from client computer 2 and transmits (e.g., relay) this shared data showing the behaviors of avatars and the

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like to all the participants in the chat session, col. 5 lines 56-61, col. 6 lines 31-33, and col. 12 lines 38-45).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8, 18, and 33 are rejected under 35 U.S.C. 103(a) as being obvious over Noma et al. (Hereafter, Noma) U.S. Patent 6,954,902 in view of Liles et al. (Hereafter, Liles) U.S. Patent 5,880,731.

Re claim 8, Noma discloses a chat server which provide a communication among plurality of users by open up a chat room when an initial user requesting intercommunication enters a web page and further discloses that the chatting partner capable of selecting by filtering which chat partners that the user willing to chat with (Figure 14); however, Noma fails to teach control server adds a user requesting intercommunication to an existing chat room which is not full.

Liles teaches control server (e.g. control host) adds a user requesting intercommunication to an existing chat room which is not full (col. 13 lines 16-25).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Liles's teaching into Noma's method to add the a user to an existing chat room which is not full because the limit of system or communication session where

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too many participant would slow down to response time (e.g., delay in the network) and too many concurrent conversations will distract a particular participant from his/her interested conversation (col. 2 lines 54-56).

Re claim 18, it is a system claim of claim 8. Thus, claim 18 is also rejected in the same rationale as cited in the rejection of rejected claim 8.

Re claim 33, it is a system claim of claim 8. Thus, claim 33 is also rejected in the same rationale as cited in the rejection of rejected claim 8.

8. Claims 9, and 19 are rejected under 35 U.S.C. 103(a) as being obvious over Noma et al. (Hereafter, Noma) U.S. Patent 6,954,902 and Liles et al. (Hereafter, Liles) U.S. Patent 5,880,731 further in view of Proter U.S. Patent 6,434,599.

Re claim 9, Noma and Liles teaches a chat server which provide a communication among plurality of users by open up a chat room; however, Noma and Liles do not explicitly teach control server closes a chat room when the last user remaining in the chat room exits therefrom.

Proter, in the same field of establishing a chat session, teaches a chat session manager (e.g., chat server) terminate the chat session (e.g., chat room) when the "quit" command is received from the last participant (col. 6 lines 33-35, and col. 8 lines 57-62).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Proctor's teaching into Noma's and Liles's teaching for the control server to closes a chat room when last user remaining in the chat room exits because by closing the chat room the chat session manager can allocates the resources more appropriately (col. 8 lines 45-50).

Re claim 19, it is a machine claim of claim 9. Thus, claim 19 is also rejected in the same rationale as cited in the rejection of rejected claim 9.

9. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being obvious over Noma et al. (Hereafter, Noma) U.S. Patent 6,954,902, Liles et al. (Hereafter, Liles) U.S. Patent 5,880,731, Proter U.S. Patent 6,434,599 and further in view of Okawa et al. (Hereafter, Okawa) U.S. Pub. No.: 2001/0013054 A1.

Re claim 10, Noma, Liles, and Proter teaches a chat server which provide a communication among plurality of users by open up a chat room when an initial user requesting and control server adds a user requesting intercommunication to an existing chat room which is not full, and control server closes a chat room when the last user remaining in the chat room exits therefrom; however, Noma, Liles, and Proter do not explicitly teach the chat server opens a private chat room upon the request of a plurality of the users.

Okawa, in the same field of establishing a chat session, teaches chat server opens a private chat room upon the request of a plurality of the users (page 12, 1st paragraph).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Okawa's teaching into Noma's method to incorporate server with capability to provide a private chat room upon users requested, as a result it will limit number of chat participants and further the chats will not become confusing to the users (e.g. Noma col. 9 lines 54-60).

Re claim 20, it is a machine claim of claim 10. Thus, claim 20 is also rejected in the same rationale as cited in the rejection of rejected claim 10.

10. Claims 22-25 are rejected under 35 U.S.C. 103(a) as being obvious over Noma et al. (Hereafter, Noma) U.S. Patent 6,954,902 in view of Segan et al. (Hereafter, Segan) U.S. Pub. No.: 2002/0029252 A1.

Re claim 22, Noma discloses a chat server providing a computer executable code to transmit the avatar icon (e.g., character object) for each chatting partner wherein each avatar is representing each client computer (col. 12 lines 30-45 and col. 15 claim 19); however, Noma fails to teach the character objects are objects in the Flash program.

Segan, in the same field of establishing a chat session, teaches a system capable of providing for multiple users to interact through their respective character icons in the chat room (page 3 paragraph [0023]), and further disclose that all character icon conveyed to a user through a readily accessible multi-media software application such "Flash Player" offered by Macromedia (page 7 paragraph [0057]).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Segan's teaching into Noma's method to use the Flash program to provide the character objects, because it would enable to reduce the communication bandwidth due to reducing character objects using Flash (col. 7 paragraph [0057]).

Re claim 23, Noma further discloses a character objects are avatars (col. 5 lines 55-61).

Re claim 24, Noma further teaches the step of creating a storage facility in which a character may leave a message for another character (Figure 13 col. 8 lines 41-61).

Re claim 25, Noma further teaches the communications relayed by the control server include at least one of: a user's modification of the appearance or position of his character (e.g.

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chat server receive a share data a behavior of an avatar or the like from client computer 2 and transmits (e.g., relay) this shared data showing the behaviors of avatars and the like to all the participants in the chat session, col. 5 lines 56-61 and col. 6 lines 31-33); a user's movement of his character; and a user's creation of multimedia output through his character.

11. Claim 29 is rejected under 35 U.S.C. 103(a) as being obvious over Noma et al.

(Hereafter, Noma) U.S. Patent 6,954,902 and Proter U.S. Patent 6,434,599.

Re claim 29, Noma teaches a chat server which provide a communication among plurality of users by open up a chat room; however, Noma do not explicitly teach control server closes a chat room when the last user remaining in the chat room exits therefrom.

Proter, in the same field of establishing a chat session, teaches a chat session manager (e.g., chat server) terminate the chat session (e.g., chat room) when the "quit" command is received from the last participant (col. 6 lines 33-35, and col. 8 lines 57-62).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Proctor's teaching into Noma's teaching for the control server to closes a chat room when last user remaining in the chat room exits because by closing the chat room the chat session manager can allocates the resources more appropriately (col. 8 lines 45-50).

12. Claims 36-37 are rejected under 35 U.S.C. 103(a) as being obvious over Noma et al.

(Hereafter, Noma) U.S. Patent 6,954,902 in view of Okawa et al. (Hereafter, Okawa) U.S. Pub.

No.: 2001/0013054 A1.

Re claim 36, Noma disclose the chat server (e.g., control server) with open up the chat room with plurality of participants such as disclose in Figure 13; however, Noma fails to teach the chat server opens a private chat room upon the request of a plurality of the users.

Okawa teaches chat server opens a private chat room upon the request of a plurality of the users (page 12, 1st paragraph).

It would have been obvious to one of the ordinary skill in the art at the time of the invention was made to incorporate Okawa's teaching into Noma's method to incorporate server with capability to provide a private chat room upon users requested, as a result it will limit number of chat participants and further the chats will not become confusing (see Noma col. 9 lines 54-60).

Re claim 37, it is also a machine claim of claim 36. Thus, claim 37 is also rejected in the same rationale as cited in the rejection of rejected claim 36.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 571-272-3919.

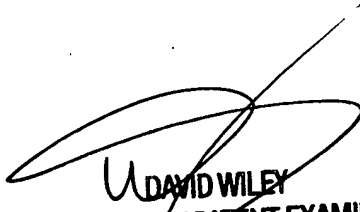
The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Phuoc H Nguyen
Examiner
Art Unit 2143

January 18, 2007


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100